

Green, LindaE

From: Paula Dinerstein <pdinerstein@peer.org>
Sent: Friday, June 13, 2014 10:39 AM
To: FOIA HQ; R9.Info
Subject: FOIA request
Attachments: malibu FOIA request 6 13 14.pdf

FOIA Officers: attached please find a FOIA request. Please feel free to contact me with any questions or responses.

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75 Hawthorne Street (OPPA-2)
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June 12, 2014

RE: FOIA REQUEST

Dear FOIA Officers:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information concerning EPA's involvement with matters concerning suspected or actual toxic contamination at schools in the Santa Monica-Malibu Unified School District (SMMUSD) in California. Specifically, we request the following:

All emails and other written communications and notes of such communications between EPA employees Patrick Wilson, Steve Armann, Carmen Santos, Jeff Scott, Tom Huetterman, Jared Blumenfeld, Mathy Stanislaus and Barry Breen and the following:

1. All employees of the Santa Monica Malibu Unified School District (SMMUSD) and members of the SMMUSD Environmental Task Force, from October 1, 2013 to the present.
2. All employees of the ENVIRON International Corporation, from January 1, 2014 to the present.
3. All employees and officers of the California Department of Toxic Substances Control, Mark Katchen and the Phylmar Group, concerning Malibu Middle or High School or Juan Cabrillo Elementary School from October 1, 2013 to the present.

In a January 21, 2009 memo, President Barack Obama declared the following policy for the



Executive Branch:

"The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve... All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA."

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

PEER requests that all fees be waived because "disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor" (5 U.S.C. 552 (a) (4)(A)):

1. The records concern the operations or activities of the Government.

The FOIA request is, by its terms, limited to identifiable activities of EPA employees.

2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.

The information we seek concerns communications by EPA employees with various other individuals and groups concerning toxic contamination issues at the SMMUSD.

3. The release of requested records will contribute significantly to public understanding of the governmental activities

The communications sought here are likely to shed light on how EPA employees and officials are carrying out their duties to implement the nation's environmental laws.

While a certain segment of the population who are teachers, students, parents and neighbors of the SMMUSD schools have a keen interest in the issues surrounding EPA's involvement in the testing for and remediation of toxic chemicals at SMMUSD schools, the general population also has a broader interest in the way EPA carries out its duties under various environmental laws when public land and buildings are suspected or found to be contaminated with toxic substances.

PEER intends to provide the requested information to the general public through —

- Release to the news media;

- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in PEER's newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

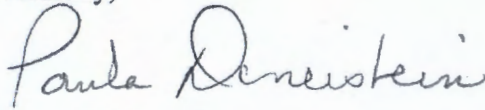
Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, PEER has repeatedly demonstrated the ability to generate nationwide news coverage concerning activities occurring within the EPA.

4. Disclosure would not serve a commercial interest of the requestor.

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-7337. I look forward to receiving the agency's final response within 20 working days.

Cordially,

A handwritten signature in cursive script that reads "Paula Dinerstein".

Paula Dinerstein
Senior Counsel